

Message Text

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INFO AMEMBASSY LONDON PRIORITY
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E.O.11652:YGDS-3
TAGS: PARM US UK UR
SUBJECT: CTB NEGOTIATIONS: POLITICAL WORKING GROUP MEETING,
FEBRUARY 21, 1978
CTB MESSAGE NO.148

1. SUMMARY: POLITICAL WORKING GROUP HELD FURTHER DISCUSSION OF PROCEDURES FOR INITIATING OSIS, CONCENTRATING ON THE TYPE OF EVIDENCE THAT COULD BE SUBMITTED IN MAKING A REQUEST AND ON THE SEQUENCE OF EVENTS FOR DETERMINING THE PRECISE BOUNDARIES OF THE INSPECTION AREA. US REP AGAIN ARGUED THAT IT SHOULD NOT BE MANDATORY TO INCLUDE SEISMIC EVIDENCE WHEN REQUESTING AN OSI. RESPONSES BY TWO SOVIET OFFICIALS SEEMED SOMEWHAT AT VARIANCE, AND MAY WELL INDICATE THAT SOVIET DEL'S VIEWS ON THE EVIDENCE QUESTION HAVE NOT BEEN FULLY RESOLVED. ON QUESTION OF SEQUENCE OF EVENTS, THERE APPEARS TO BE COMMON UNDERSTANDING THAT AGREEMENT TO PROCEED WITH AN OSI WILL NOT BE ACHIEVED UNTIL THERE IS MUTUAL AGREEMENT ON THE PRECISE

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BOUNDARIES OF THE INSPECTION AREA, INCLUDING ANY EXEMPTED SITES OR FACILITIES. END SUMMARY.

2. POLITICAL WORKING GROUP MEETING FEB 21 BEGAN WITH DISCUSSION OF TYPE OF OCCURRENCE THAT COULD GIVE RISE TO AN OSI REQUEST AND OF THE TYPE OF EVIDENCE THAT COULD BE PRESENTED IN MAKING AN OSI REQUEST. SENIOR SOVIET TECH-

NICAL ADVISER SOFRONOV WAS GIVEN THE FLOOR BY SOV DEP REP TIMERBAEV, WHO IS THE SOV DEL'S SENIOR REP IN POLITICAL WORKING GROUP. SOFRONOV ARGUED THAT SOVIET DEL'S DRAFT LANGUAGE WAS CLEARER THAN THAT OF US DEL IN DEFINING WHAT EVENTS COULD LEAD TO REQUEST FOR OSI. FOR A VARIETY OF REASONS HE FELT THAT SUCH EVENTS SHOULD BE EXPLICITLY IDENTIFIED AS "SEISMIC" EVENTS, WITH SEISMIC DATA TO BE SUBMITTED AS PART OF THE EVIDENCE. THIS WOULD NOT EXCLUDE OTHER EVIDENCE WHICH THE REQUESTING COUNTRY MAY WISH TO SUBMIT TO STRENGTHEN ITS REQUEST FOR OSI. HOWEVER, THE US DEL'S FORMULA, WHICH WOULD ALLOW EVIDENCE FROM ALL SOURCES, WOULD LEAVE OPEN THE POSSIBILITY FOR SPURIOUS REQUESTS FOR OSI, SUCH AS REQUESTS RELATED TO NUCLEAR POWER STATION INCIDENTS AND SUPERSONIC AIRPLANE FLIGHTS.

3. US REP (NEIDLE) ARGUED THAT THE US DEL DRAFT DID NOT ENVISAGE FISHING EXPEDITIONS AND THAT THE PURPOSE OF THE OSI PROCEDURE SHOULD BE QUITE SPECIFIC, I.E. TO CLARIFY THE NATURE OF AN EVENT THAT COULD POSSIBLY BE A NUCLEAR EXPLOSION PROHIBITED BY THE TREATY REGIME. ON THE QUESTION OF TYPES OF EVIDENCE, OBJECTIVE OF PRESERVING CONFIDENCE IN COMPLIANCE WOULD NOT BE BEST SERVED BY REQUIRING THAT SEISMIC EVIDENCE BE PRESENTED IN EVERY CASE. IF A PARTY HAD A SERIOUS QUESTION ABOUT COMPLIANCE AND THIS WAS BASED ON NON-SEISMIC EVIDENCE, IT WOULD BE UNREASONABLE AND UNNATURAL TO IMAGINE THAT THE CONCERNED PARTY SHOULD
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BE PRECLUDED FROM RAISING THE MATTER AND SEEKING CLARIFICATION. AT THE SAME TIME, SERIOUS AND RESPONSIBLE GOVERNMENTS WOULD NOT MAKE OSI REQUESTS ON THE BASIS OF FRIVOLOUS EVIDENCE. US REP NOTED THAT SOVIET DEL'S LANGUAGE DID NOT SEEM TO REQUIRE THAT SEISMIC DATA BE INCLUDED IN THE EVIDENCE BEING PRESENTED BY THE REQUESTING COUNTRY, AND ASKED IF THAT WAS A CORRECT READING.

4. SOV REP (TIMBERBAEV) RESPONDED THAT THE SOVIETS ARE PREPARED TO AGREE THAT ANY RELEVANT EVIDENCE COULD BE BROUGHT FORWARD IN REQUESTING BOTH CONSULTATIONS AND OSIS WHEN THERE ARE DOUBTS ABOUT COMPLIANCE, AND THAT THIS EVIDENCE MAY NOT NECESSARILY EVEN BE SEISMIC. HENCE, WHILE A SOLUTION WOULD NOT BE EASY, HE FELT THAT APPROPRIATE LANGUAGE MIGHT BE FOUND. HOWEVER, SOFRONOV THEN BROKE IN TO SAY THAT, TECHNICALLY SPEAKING, IT IS HARD TO IMAGINE ANY SERIOUS NON-SEISMIC EVIDENCE OF A POSSIBLE NUCLEAR EXPLOSION NOT BEING ACCOMPANIED BY SEISMIC EVIDENCE. FOR EXAMPLE, AN OBSERVABLE CRATER WOULD BE ACCOMPANIED BY DETECTABLE SEISMIC SIGNALS.

5. UK REP (BIRCH) AGAIN ASKED SOV DEL WHETHER THE SUB-

MISSION OF NON-SEISMIC EVIDENCE WITH NO SUPPORTING SEISMIC DATA WOULD BE SUFFICIENT TO PUT INTO OPERATION THE MACHINERY LEADING TO OSI. SOFRONOV TOOK THE FLOOR TO EXPRESS HIS PERSONAL FEELING THAT, FOR ALL EVENTS, SEISMIC DATA SHOULD BE PRESENTED, SINCE ANY EVENT WHICH MIGHT LEAD TO A QUESTION ABOUT COMPLIANCE WOULD INVOLVE A SEISMIC "EVENT, OCCURRENCE, OR FEATURE." (COMMENT: FROM THE APPARENTLY DIFFERING RESPONSES OF TIMERBAEV AND SOFRONOV, IT APPEARS THAT THE SOVIET DEL HAS NOT YET FULLY SORTED OUT ITS THINKING ON THE EVIDENCE ISSUE.)

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6. DISCUSSION THEN TURNED TO THE SEQUENCE OF EVENTS LEADING TO OSI, PARTICULARLY TO THE STAGE AT WHICH AGREEMENT WOULD BE REACHED ON THE INSPECTION AREA INCLUDING ANY EXEMPTED SITES AND FACILITIES. US REP STATED THAT THE REQUESTED PARTY, WHEN INDICATING ITS INTENTION TO AGREE TO THE INSPECTION, COULD INDICATE ANY SITES OR FACILITIES FOR EXEMPTION, BUT THAT AGREEMENT TO PROCEED WITH THE INSPECTION WOULD NOT HAVE BEEN ACHIEVED UNTIL THERE WAS MUTUAL AGREEMENT ON THE PRECISE BOUNDARIES OF THE INSPECTION AREA. TIMERBAEV NOTED THAT THERE SEEMED TO BE CONSIDERABLE AGREEMENT ON THIS ASPECT, ALTHOUGH SPECIFIC LANGUAGE WOULD HAVE TO BE FOUND.

7. REGARDING THE TIME LIMIT WITHIN WHICH THE REQUESTED COUNTRY WOULD HAVE TO ACCEPT OR DENY THE REQUEST, TIMERBAEV SAID THAT THE SOV DEL AGREED THIS PROCESS SHOULD

NOT BE EXCESSIVELY PROLONGED. AS A "PERSONAL OBSERVATION" HE THOUGHT THAT IT WOULD NOT BE WISE TO HIGHLIGHT A PROVISION FOR THIS TIME LIMIT IN THE SEPARATE AGREEMENT SINCE THERE MIGHT BE NO COMPARABLE TIME LIMIT INVOLVED IN SECRET

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THE MULTILATERAL TREATY, AND HENCE COMPARISONS MIGHT BE MADE IN THE CCD AND ELSEWHERE LEADING TO QUESTIONS ABOUT THE ADEQUACY OF THE MULTILATERAL LANGUAGE. RATHER, HE SUGGESTED THAT TIME LIMITS MIGHT BE INCLUDED IN THE PART OF THE SEPARATE AGREEMENT THAT DEALS WITH RIGHTS AND FUNCTIONS. US REP RESPONDED THAT THE SUBSTANCE RATHER THAN THE FORM WAS OF PRIMARY IMPORTANCE, AND THAT WE WOULD CERTAINLY BE PREPARED TO LOOK AT A PROVISION ON TIME LIMITS FOR POSSIBLE INSERTION ELSEWHERE IN THE SEPARATE AGREEMENT, PROVIDED IT WOULD ACCOMPLISH WHAT WE HAD PROPOSED.

8. SOFRONOV ASKED WHETHER THE US DEL ENVISAGED A TIME LIMIT BETWEEN THE OCCURRENCE OF THE EVENT AND THE REQUEST FOR AN OSI. BOTH THE US AND BRITISH REPS INDICATED THEY WERE NOT IN FAVOR OF FIXING A TIME LIMIT IN THIS CASE. US REP ARGUED AGAINST TAKING TOO LEGALISTIC AN APPROACH WHICH MIGHT SUGGEST SOME KIND OF STATUTE OF LIMITATIONS. HE POINTED OUT THAT OBJECTIVE WAS TO ENABLE PARTIES TO REASSURE THEMSELVES ABOUT COMPLIANCE, AND THIS WOULD NOT BE PROMOTED BY AN ARBITRARY CUT-OFF, AFTER WHICH ANY CONCERNS THAT AROSE WOULD NOT BE PERMITTED TO BE RESOLVED. TIMERBAEV AGREED ON A PERSONAL BASIS THAT THE TIME LIMIT BETWEEN THE EVENT AND THE REQUEST SHOULD BE "UNSPECIFIED". IN MAKING THIS POINT, HOWEVER, TIMERBAEV EMPHASIZED THAT BY BEING UNSPECIFIC IN THIS CASE THERE IS ALL THE MORE NEED FOR SPECIFIC DATA TO BE PRESENTED ON A "SEISMIC EVENT" WHEN A REQUEST FOR OSI IS BEING INITIATED. WARNKE

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